

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHRISTIE POITRA,

Plaintiff,

v.

Case No. 22-CV-00047

Hon. Jane M. Beckering

MICHIGAN STATE UNIVERSITY,
MICHIGAN STATE UNIVERSITY
BOARD OF TRUSTEES; SAMUEL L.
STANLEY, JR.; SATISH UDPA; LOU
ANNA K. SIMON; JOHN M. ENGLER;
RONALD L HENDRICK; ROBERT KENT;
TANYA JACHIMIAK; JOHN NORDER;
and QUENTIN TYLER; in their official and
individual capacities,

Defendants. _____ /

**DEFENDANTS MICHIGAN STATE UNIVERSITY, MICHIGAN STATE UNIVERSITY
BOARD OF TRUSTEES, STANLEY, UDPA, SIMON, HENDRICK, TAYLOR, KENT
AND JACHIMIAK’S MOTION TO PARTIALLY DISMISS PLAINTIFF CHRISTIE
POITRA’S FIRST AMENDED COMPLAINT AND MOTION TO STRIKE
PARAGRAPHS 389 THROUGH 476 OF AMENDED COMPLAINT**

ORAL ARGUMENT REQUESTED

Defendants Michigan State University and Michigan State University Board of Trustees (together “MSU”), Samuel L. Stanley, Jr., Satish Udpa, Lou Anna K. Simon, Ronald L. Hendrick, Robert Kent, Tanya Jachimiak, and Quentin Tyler, (hereinafter the “Individual Defendants”)¹, by their attorneys, move to partially dismiss Plaintiff’s First Amended Complaint (ECF No. 14) under Fed. R. Civ. P. 12(b)(1) and 12(b)(6) and to strike paragraphs 389 through 476 of the Amended Complaint under Fed. R. Civ. P 12(f). In support of its motion, MSU and the Individual Defendants rely on the facts and legal arguments set forth in the accompanying brief.

Pursuant to Local Civil Rule 7.1(d), prior to filing this motion to dismiss, MSU and the Individual Defendants sought concurrence from Plaintiff’s counsel on March 18, 2022. Plaintiff’s

¹ Upon information and belief, Defendant Engler has been served in this matter.

counsel acknowledged receipt of the request but has not provided concurrence, thereby making this motion necessary.

WHEREFORE, for these reasons and those stated more fully in the attached brief, MSU and the Individual Defendants respectfully request that the Court grant this motion and partially dismiss Plaintiff's First Amended Complaint with prejudice as follows:

Counts I, II, IV-X, and XII in their entirety as to MSU and the Individual Defendants;

Count XI as to MSU and the Individual Defendants as it relates to ELCRA discrimination and as to MSU and all Individual Defendants, but for Defendant Tyler, as to Plaintiff's ELCRA retaliation claim;

Counts I-IV and VIII-XII related to any claim that accrued prior to January 9, 2019; and

Counts V-VII related to any claim that accrued prior to June 11, 2020.

MSU and the Individual Defendants also respectfully request that the Court strike paragraphs 389 through 476 of the Amended complaint and award any other relief to which the MSU and the Individual Defendants may be entitled, and as the Court deems appropriate, under the circumstances.

Respectfully submitted,

/s/ Scott R. Eldridge

Scott R. Eldridge

Kiffi Y. Ford

Ashley N. Higginson

Attorneys for Defendant Peckham, Inc.

Miller, Canfield, Paddock, and Stone, P.L.C.

120 N. Washington Square, Suite 900

Lansing, Michigan

Office: 517-487-2070

eldridge@millercanfield.com

higginson@millercanfield.com

ford@millercanfield.com

March 21, 2022

38834594.1/060505.00216